

**CALIFORNIA CONTRACTORS STATE LICENSE BOARD**  
**MODIFIED PROPOSED LANGUAGE**

NOTICE IS HEREBY GIVEN that the California Contractors State License Board has proposed modifications to the text of Section 884 of the California Code of Regulations which was the subject of a regulatory hearing on September 23, 2004. A copy of the modified text follows below. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before July 15, 2005 at 10:00 a.m. to the following:

Betsy Figueira, Information Officer I  
California Contractors State License Board  
9821 Business Park Drive  
Sacramento, CA 95827

Changes for originally proposed language are shown in black with underline for added text and in ~~black~~ with strikethrough for deleted text.

Changes for the first modified proposed language are shown in blue with double underline for newly added text, in ~~blue~~ with double strikethrough for newly deleted text, and in ~~blue~~ with strikethrough and double underline for text that was originally proposed as added text but is being modified to be deleted text.

Changes for the second modified proposed language are shown in green with dotted underline for newly added text and in ~~green~~ with double strikethrough and dotted underline for newly deleted text. In addition, the originally proposed language had minor typographical errors in some of the dollar amounts of existing penalties. Those errors are being corrected in the second modified proposed language. The text contained in the originally proposed language is shown in ~~red~~ italic with strikethrough and the corrected, actual existing text is shown in green italic with strikethrough.

Amend Section 884 as follows:

**§ 884. ~~Recommended~~ Assessments of Civil Penalties**

(a) In assessing a civil penalty against a person ~~who has not previously been cited for violation of the same or similar section of the Contractors License Law,~~ the Registrar shall give due consideration to the following ranges of penalties~~guidelines~~:

Section Violated	Recommended Minimum Civil Penalty	Recommended Maximum Civil Penalty
7030	<del>\$50.</del>	<del>\$100.</del>
7030.5	<del>50.</del>	<del>100.</del>
7071.13	<del>50.</del>	<del>100.</del>
7075	<del>50.</del>	<del>100.</del>
7083	<del>50.</del>	<del>100.</del>
7083.1	<del>50.</del>	<del>100.</del>
7018.5	<del>50.</del>	<del>150.</del>
7027.1	<del>50.</del>	<del>150.</del>
7029.5	<del>50.</del>	<del>150.</del>
7034	<del>50.</del>	<del>150.</del>

<del>7068.2</del>	<del>50.</del>	<del>150.</del>
<del>7110.1</del>	<del>50.</del>	<del>150.</del>
<del>7117</del>	<del>50.</del>	<del>150.</del>
<del>7125</del>	<del>50.</del>	<del>150.</del>
<del>7028.5</del>	<del>50.</del>	<del>500.</del>
<del>7071.11</del>	<del>50.</del>	<del>500.</del>
<del>7071.11</del>	<del>50.</del>	<del>500.</del>
<del>7111</del>	<del>50.</del>	<del>500.</del>
<del>7113.5</del>	<del>50.</del>	<del>500.</del>
<del>7154</del>	<del>50.</del>	<del>500.</del>
<del>7157</del>	<del>50.</del>	<del>500.</del>
<del>7110</del>	<del>50.</del>	<del>1000.</del>
<del>7068.1</del>	<del>50.</del>	<del>1000.</del>
<del>7076</del>	<del>50.</del>	<del>1000.</del>
<del>7099.10</del>	<del>50.</del>	<del>1000.</del>
<del>7099.11</del>	<del>50.</del>	<del>1000.</del>
<del>7111.1</del>	<del>50.</del>	<del>1000.</del>
<del>7114.1</del>	<del>50.</del>	<del>1000.</del>
<del>7118.4</del>	<del>50.</del>	<del>1000.</del>
<del>7118.5</del>	<del>50.</del>	<del>1000.</del>
<del>7159</del>	<del>50.</del>	<del>1000.</del>
<del>7162</del>	<del>50.</del>	<del>1000.</del>
<del>7164</del>	<del>50.</del>	<del>1000.</del>
<del>7107</del>	<del>100.</del>	<del>1000.</del>
<del>7108</del>	<del>100.</del>	<del>1000.</del>
<del>7108.5</del>	<del>100.</del>	<del>1000.</del>
<del>7108.6</del>	<del>100.</del>	<del>1000.</del>
<del>7119</del>	<del>100.</del>	<del>1000.</del>
<del>7120</del>	<del>100.</del>	<del>1000.</del>
<del>7109</del>	<del>50.</del>	<del>1500.</del>
<del>7109.5</del>	<del>50.</del>	<del>1500.</del>
<del>7113</del>	<del>50.</del>	<del>1500.</del>
<del>7116</del>	<del>50.</del>	<del>1500.</del>
<del>7158</del>	<del>50.</del>	<del>1500.</del>
<del>7161</del>	<del>50.</del>	<del>1500.</del>
<del>7123</del>	<del>500.</del>	<del>1500.</del>
<del>7125.1</del>	<del>500.</del>	<del>1500.</del>

7028	<del>500. 200.</del>	<del>2000.</del>
7029.1	<del>500. 200.</del>	<del>2000.</del>
7117.5	<del>500. 200.</del>	<del>2000.</del>
7117.6	<del>500. 200.</del>	<del>2000.</del>
7114	<del>500. 200.</del>	<del>15000.</del>
7118	<del>500. 200.</del>	<del>15000.</del>

Section Violated	Minimum Civil Penalty	Maximum Civil Penalty
<u>7031.5*</u>	<u>\$500</u>	<u>\$500</u>
<u>7071.13</u>	<u>\$250</u>	<u>\$750</u>
<u>7075</u>	<u>\$250</u>	<u>\$750</u>
<u>7083</u>	<u>\$250</u>	<u>\$750</u>
<u>7083.1</u>	<u>\$250</u>	<u>\$750</u>
<del>7159.3</del>	<del>\$250</del>	<del>\$2,500</del>
<del>7159.4</del>	<del>\$250</del>	<del>\$2,500</del>
<del>7159.5(a) (except (1), (2), (5))</del>	<del>\$250</del>	<del>\$2,500</del>
<u>7027.1</u>	<u>\$500</u>	<u>\$1,000</u>
<u>7029.5</u>	<u>\$500</u>	<u>\$1,000</u>
<u>7030.5</u>	<u>\$500</u>	<u>\$1,000</u>
<u>7034</u>	<u>\$500</u>	<u>\$1,000</u>
<u>7068.2</u>	<u>\$500</u>	<u>\$1,000</u>
<u>7110.1</u>	<u>\$500</u>	<u>\$1,000</u>
<u>7117</u>	<u>\$500</u>	<u>\$1,000</u>
<u>7028.5</u>	<u>\$500</u>	<u>\$1,250</u>
<u>7071.11</u>	<u>\$500</u>	<u>\$1,250</u>
<u>7154</u>	<u>\$500</u>	<u>\$1,250</u>
<u>7030</u>	<u>\$500</u>	<u>\$1,500</u>
<u>7068.1</u>	<u>\$500</u>	<u>\$1,500</u>
<u>7099.10</u>	<u>\$500</u>	<u>\$1,500</u>
<u>7099.11</u>	<u>\$500</u>	<u>\$1,500</u>
<u>7111.1</u>	<u>\$500</u>	<u>\$1,500</u>
<u>7114.1</u>	<u>\$500</u>	<u>\$1,500</u>
<u>7162</u>	<u>\$500</u>	<u>\$1,500</u>
<u>7164</u>	<u>\$500</u>	<u>\$1,500</u>
<u>7191(a)</u>	<u>\$500</u>	<u>\$1,500</u>

<u>7191(b)</u>	<u>\$500</u>	<u>\$1,500</u>
<del>7159.12</del>	<del>\$250</del>	<del>\$2,500</del>
<del>7159.13</del>	<del>\$250</del>	<del>\$2,500</del>
<del>7159.14(a) (except (1), (2), (3), (4), (5), (6), (8))</del>	<del>\$250</del>	<del>\$2,500</del>
<u>7108</u>	<u>\$750</u>	<u>\$2,000</u>
<u>7108.5</u>	<u>\$750</u>	<u>\$2,000</u>
<u>7108.6</u>	<u>\$750</u>	<u>\$2,000</u>
<u>7119</u>	<u>\$750</u>	<u>\$2,000</u>
<u>7120</u>	<u>\$750</u>	<u>\$2,000</u>
<u>7109</u>	<u>\$500</u>	<u>\$2,500</u>
<u>7113</u>	<u>\$500</u>	<u>\$2,500</u>
<u>7159</u>	<u>\$500</u>	<u>\$2,500 - \$5,000</u>
<del>7159.11</del>	<del>\$500</del>	<del>\$2,500</del>
<del>7159.6</del>	<del>\$500</del>	<del>\$2,500 - \$5,000</del>
<u>7028</u>	<u>\$500</u>	<u>\$2,500 - \$5,000</u>
<u>7029.1</u>	<u>\$500</u>	<u>\$2,500 - \$5,000</u>
<u>7058.7</u>	<u>\$500</u>	<u>\$2,500 - \$5,000</u>
<u>7109.5</u>	<u>\$500</u>	<u>\$2,500 - \$5,000</u>
<u>7110</u>	<u>\$500</u>	<u>\$2,500 - \$5,000</u>
<u>7117.5</u>	<u>\$500</u>	<u>\$2,500 - \$5,000</u>
<u>7117.6</u>	<u>\$500</u>	<u>\$2,500 - \$5,000</u>
<u>7157</u>	<u>\$500</u>	<u>\$2,500 - \$5,000</u>
<u>7107</u>	<u>\$750</u>	<u>\$2,500 - \$5,000</u>
<u>7123</u>	<u>\$750</u>	<u>\$2,500 - \$5,000</u>
<u>7028.1*</u>	<u>\$1,000</u>	<u>\$5,000</u>
<u>7030.1*</u>	<u>\$1,000</u>	<u>\$5,000</u>
<u>7116</u>	<u>\$1,000</u>	<u>\$2,500 - \$5,000</u>
<u>7118.5*</u>	<u>\$1,000</u>	<u>\$5,000</u>
<u>7118.6*</u>	<u>\$1,000</u>	<u>\$5,000</u>
<u>7125</u>	<u>\$1,000</u>	<u>\$2,500 - \$5,000</u>
<u>7158</u>	<u>\$1,000</u>	<u>\$2,500 - \$5,000</u>
<del>7159.5(a) (1), (3), (5)</del>	<del>\$1,000</del>	<del>\$2,500 - \$5,000</del>
<del>7159.14(a) (1), (2), (3), (4), (5), (6), (8)</del>	<del>\$1,000</del>	<del>\$2,500 - \$5,000</del>
<u>7161</u>	<u>\$1,000</u>	<u>\$2,500 - \$5,000</u>
<u>7118.4*</u>	<u>\$3,000</u>	<u>\$5,000</u>

<u>7028.7*</u>	<u>\$200</u>	<u>\$15,000</u>
<u>7114*</u>	<u>\$1,000</u>	<u>\$15,000</u>
<u>7118*</u>	<u>\$1,000</u>	<u>\$15,000</u>

\*Parameters of civil penalties are set in statute.

~~(a) The minimum and maximum civil penalties as set forth above are advisory only.~~

~~Where there is more than one violation, where, in the judgment of the Registrar, a person has exhibited bad faith or where, in the judgment of the Registrar, the violation is grave, the maximum recommended civil penalty shall be \$2,000.00.~~

~~(b) Where a cited person has a history of violations of the same or similar sections of the Contractors License Law, the maximum recommended civil penalty shall be \$2,000.00.~~

~~Where a citation lists more than one violation the amount of assessed civil penalty shall be stated separately for each section violated.~~

(b) Notwithstanding subsection (a), the When the maximum civil penalty shown in subsection (a) indicates a range of \$2,500 to \$5,000, the maximum civil penalty shall be \$5,000 if \$2,500 unless one or more of the following circumstances or similar circumstances apply, in which case, the civil penalty may be set at an amount not to exceed \$5,000:

(1.) the citation includes multiple violations;

(2.) the cited person has a history of violations of the same or similar sections of the Contractors License Law;

(3.) in the judgment of the Registrar, a person has exhibited bad faith;

(4.) in the judgment of the Registrar, the violation is grave;

(5.) the citation involves a violation or violations perpetrated against a senior citizen or disabled person; and/or

(6.) the citation involves a violation or violations involving a construction project in connection with repairs for damages caused by a natural disaster as described in Section 7158 of the Business and Professions Code.

~~(c) Where a citation lists more than one violation and each of the violations relates to the same construction project, the total penalty assessment in each citation shall not exceed \$2,000.00 \$5,000.~~

(d) Notwithstanding subsections (a), (b), or (c), a civil penalty of \$15,000 may be assessed for a violation of Section 7114 or 7118 if the cited person has a history of violations of the same or similar sections of the Contractors License Law or in the judgment of the Registrar the cited person has exhibited bad faith or the violation is grave.

(e) Where a citation lists more than one violation, the amount of assessed civil penalty shall be stated separately for each section violated.

NOTE: Authority cited: Sections 7008 and 7099.2, Business and Professions Code. Reference: Sections 7099 and 7099.2, Business and Professions Code.